

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EUROZONE NAVIGATION LIMITED,

Plaintiff,

-against-

07 Civ. 11083 (LAK)

DORCHESTER MARITIME LTD., et al.,

Defendants.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

At the outset of this action, plaintiff sought Process of Maritime Attachment and Garnishment in the aggregate amount of \$1,261,990.01 consisting of alleged damages of \$752,967.34, anticipated interest pending the London arbitration of \$209,022.67, and anticipated fees of \$300,000. Judge Cote, to whom the action then was assigned, granted relief in the amount of \$752,967.34.

Plaintiff evidently was unhappy with that ruling and so sought reconsideration, arguing that it was entitled to security for the anticipated interest and fees. Judge Cote denied that application on December 12, 2007. Subsequently the action was reassigned to me.

Today I was presented by plaintiff with an amended verified complaint that seeks exactly the same relief as the original complaint and an application for Process of Maritime Attachment in the amount of \$1,261,990.01. The papers do not disclose the prior applications to Judge Cote or her two rulings on the matter. They fail to make any showing why I should grant any greater relief than did Judge Cote. While it of course is true that the previous history all appears on the docket sheet and in the court file, there seldom is occasion to consult those on applications such as this, as plaintiff's counsel no doubt is aware. At the very least, plaintiff's counsel appears to have been attempting to get a third bite at the apple and perhaps may have been seeking to do so without advising the undersigned that this is what he was attempting.

The application is denied in all respects.

SO ORDERED.

Dated: February 27, 2008



Lewis A. Kaplan
United States District Judge

